

REMARKS/ARGUMENTS

The Examiner is requiring election of one of the following compounds:

“The various indole-heterocycles.”

Applicants provisionally elect the compound 5-amino-1-cyclohexanesulfonyl-3-(1-methyl-1,2,3,6-tetrahydropyridine-4-yl)-1H-indole, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the multiple species.

Moreover, the MPEP at §803 states as follows:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Finally, Applicants respectfully submit that the elected compound is encompassed by Claims 1-9 (product of formula (Ia)), 16-18 (process for preparing it), 19-20 (medicament containing it) and 21-46 (use of it for manufacturing a medicament).

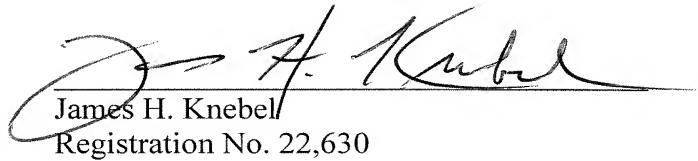
Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Election Requirement.

Withdrawal of the Election Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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